

ORDINANCE NO. 2012-06

**AN ORDINANCE TO SEPARATE THE
POSITIONS OF CLERK AND TREASURER**

The Board of Supervisors of the Town of Windsor, Dane County, Wisconsin, do ordain as follows:

1. Section 2-4-8 (title) of the Town of Windsor Code of Ordinances is hereby amended to read as follows:

“SEC. 2-4-8 TOWN CLERK-TREASURER.”

2. Sections 2-4-9 through 2-4-20 of the Town of Windsor Code of Ordinances are hereby renumbered as Sections 2-4-10 through 2-4-21.

3. Section 2-4-8 (introduction) of the Town of Windsor Code of Ordinances is hereby repealed.

4. Sections 2-4-8(a) through 2-4-8(b) are hereby amended to read as follows:

“(a) **Combined Separation of Offices.** More than two years prior to the effective date of this ordinance, the Town Meeting has previously combined the positions of Clerk and Treasurer into a consolidated position of Town Clerk-Treasurer. At the Annual Town Meeting held on April 10, 2012, the Town Meeting took action to recreate separate positions as Town Clerk and Town Treasurer.

“(b) **Clerk Duties.** When acting in the capacity of Town Clerk, the Clerk-Treasurer shall have the following duties:

(1) **Clerk-Treasurer of Town meeting.** Serve as Clerk-Treasurer of the Town meeting under Sec. 60.15, Wis. Stats.

(2) **Clerk-Treasurer of Town Board.**

a. Serve as Clerk-Treasurer of the Town Board, attend meetings of the Board and keep a full record of its proceedings.

b. File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town’s record books.

c. File with the Town Board claims approved by the Clerk-Treasurer, as required under Sec. 60.44(2)(c), Wis. Stats.

(3) **Finance Book.** Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date,

amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board. The financial records a Town Clerk-Treasurer is expected to maintain are in addition to, not in lieu of, those a Town Treasurer is expected to maintain.

(4) Elections and Appointments.

- a. Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.
- b. Transmit to the County Clerk-Treasurer, within ten (10) days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk-Treasurer, a written notice stating the name and post office address of the elected or appointed officer. The Clerk-Treasurer shall promptly notify the County Clerk-Treasurer of any subsequent changes in such offices.
- c. Transmit to the Clerk-Treasurer of Circuit Court, immediately after the election or appointment of any Constable or Municipal Judge in the Town, a written notice stating the name of the Constable or Municipal Judge and the term for which elected or appointed. If the Judge or Constable was elected or appointed to fill a vacancy in the office, the Clerk-Treasurer shall include in the notice the name of the incumbent who vacated the office.

(5) Sale of Real Property. Execute the conveyance of real property of the Town. However, prior to the sale of any property by the Town Board, the electors attending a Town meeting must have given the Town Board authorization to do so.

(6) Notices.

- a. Publish or post ordinances and resolutions as required under Sec. 60.80, Wis. Stats.
- b. Give notice of annual and special Town meetings as required under Sections 60.11(5) and 60.12(3), Wis. Stats.

(7) Records.

- a. Comply with Subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk-Treasurer ~~if is~~ legal custodian.
- b. Demand and obtain the official books and papers of ~~any-the~~ Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if ~~any-the~~ Municipal Judge dies.

The Town Clerk-Treasurer shall dispose of the books and papers as required by law.

- (8) Licenses. Issue any license or permit granted by the Town Board when presented with a receipt from the Town Treasurer indicating that any required fee has been paid.
- (9) Schools.
 - a. Perform the Clerk-Treasurer's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.
 - b. Within ten (10) days after the Clerk-Treasurer's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Clerk-Treasurer shall report to the administrator of each such cooperative educational service agency the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Clerk-Treasurer's office.
 - c. Make and keep in the Clerk-Treasurer's office a map of the Town, showing the exact boundaries of school districts within the Town.
 - d. Apportion, as provided by law, tax revenues collected by the Town for schools.
- (10) Highways and Bridges. Perform the duties specified in Chapters ~~80~~82 to 92, Wis. Stats., relating to highways, bridges and drains.
- (11) Notice of Property Tax Revenue. Notify the Clerk-Treasurer of the county in which the Town is located, by ~~March 15~~ February 20, of the proportion of property tax revenue and the credits under Sec. 79.10, Wis. Stats., that is to be disbursed by the ~~County Clerk-Treasurer~~ to each taxing jurisdiction located in the Town.
- (12) ~~Recording Orders and Certificates. Obtain and maintain a cancellation book pursuant to Sec. 66.081, Wis. Stats.~~ Street Trade Permits. Stamp or endorse street trade permits at the request of an employer under Sec. 103.25(3m)(b), Wis. Stats.
- (13) Statement of Indebtedness to Secretary of State. Furnish, pursuant to Sec. 69.68, Wis. Stats., a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.

- (14) Managed Forest Act. Receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to Sec. 77.82(5), Wis. Stats. The Town Clerk-Treasurer shall receive copies of notice of hearings established pursuant to Sec. 77.82(6), Wis. Stats., and copies of any orders issued pursuant to Sec. 77.82(8), Wis. Stats.
- (15) Notice of Cessation of Operations. Receive the appropriate notice, pursuant to Sec. 109.07, Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Town; the Town Clerk-Treasurer shall then immediately inform the Town Board of receipt of such information.
- (16) Release and Publication of Tax Roll. Receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.
- (17) Rabies Control Program. Promptly post notice in at least three (3) public places in the Town pursuant to Sec. 95.21(3), Wis. Stats. with the notices of quarantine to be furnished by the Department of Health and Social Services Agriculture, Trade and Consumer Protection.
- (18) Prepare General Statistics and Annual Statement of Taxes. Make out and transmit to the County Clerk-Treasurer by year's end a statement pursuant to Sec. 69.60, Wis. Stats., showing the assessed value of all property within the Town all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Town and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk-Treasurer shall file a statement of taxes levied to the Department of Revenue pursuant to Sec. 69.61, Wis. Stats.
- (19) Make Tax Roll. Make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65, Wis. Stats.
- (20) Correct Tax Roll. Before delivering the Tax Roll to the Town Treasurer and after delivering the Tax Roll to the Town Treasurer, the Town Clerk shall correct the errors in the Tax Roll required in Sec. 70.73, Wis. Stats.
- (21) Receive Assessment Roll. Receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50, Wis. Stats.

- (22) Drainage District. Insert in the Tax Roll, in a separate column, amounts certified by the any Drainage Board secretary as assessments and interest due as required under Sec. 88.42, Wis. Stats.
- (23) In General. Perform all other duties required by law, ordinance or lawful direction of the Town meeting or Town Board.
- (24) Deputy Clerk. The Town Clerk may, pursuant to Sec. ~~66.334~~ 60.331, Wis. Stats., appoint a Deputy Clerk. The Deputy Clerk ~~Treasurer~~ shall take and file the official oath and bond as required by Sec. 60.31, Wis. Stats. The Town Board shall determine what compensation is to be paid the Deputy Clerk ~~Treasurer~~.
- (25) Traveling Sales Crew Worker Permits. Stamp or endorse traveling sales crew worker permits at the request of an employer under Sec. 103.34(11)(c), Wis. Stats."

5. Section 2-4-9 (title) of the Town of Windsor Code of Ordinances is hereby created to read as follows:

"SEC. 2-4-9 TOWN TREASURER."

6. Section 2-4-8(c) of the Town of Windsor Code of Ordinances is hereby renumbered as Section 2-4-9 and amended to read as follows:

"(a) Treasurer Duties. ~~When acting in the capacity of The Town Treasurer, the Clerk-Treasurer shall have the following duties:~~

- (1) Receive and Disburse Town Money.
 - a. Except as provided in Sec. 66.0608, Stats., Receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under Sec. ~~66.0420607~~, Wis. Stats.
 - b. Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.

(2) Deposit of Town Money.

- a. Deposit as soon as practicable funds of the Town in the name of the Town in one of the public depositoryies designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.
- b. When money is deposited under ~~Subsection (b)(1)~~ Section 2-4-9(a)(2)a., the Town ~~Clerk-Treasurer~~ and the Treasurer's sureties are not liable for any loss as defined in Sec. 34.01(62), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.

(3) Records. Comply with Subch. II of Chapter 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.

(4) Taxes. Perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 to 79, Wis. Stats

(5) Preliminary Settlement of School Taxes.

- a. To make partial apportionment of levies by school districts and vocational, technical and adult education districts out of any funds available in the Town treasury prior to the tax apportionment provided by Secs. ~~74.03(5)~~ 74.23 and 74.25, Wis. Stats., within five (5) days after the filing of a written request by the district board. The Town Board may not deny such a request. The district board may not receive more than one (1) payment under this Subsection during the month.
- b. On or before January 15 and February ~~15~~20 and any other date specified by the district, and to the appropriate vocational, technical and adult education district treasurer, if the district has not received a payment ~~under Subsection (c)(1)~~ during that month. That payment shall be the proportion of the school district's or vocational, technical and adult education district's levy that the general property taxes collected in the Town, except collections for state trust fund loans, state tax and state special charges, up to the last day of the preceding month bears to the total general property tax levy in the Town for all purposes except levies for state trust fund loans, state tax and state special charges. The Town Treasurer may make the payments required under this Subsection without authorization by the Town Board.
- c. On or before January 15 and any other date specified by the Town Board, pay under Sec. ~~74.031~~ 74.23(1), Wis. Stats., to the appropriate school district treasurer and vocational, technical and adult education district treasurer the proportion of the district's levy that the general property taxes collected in the Town, except collections for state trust fund loans,

state tax and state special charges, up to the last date of the preceding month bears to the total general property tax levy in the Town for all purposes except levies for state trust fund loans, state tax and state special charges.

- (6) Deputy Treasurer. The Town Treasurer may, pursuant to Sec. 60.341, Wis. Stats., appoint a Deputy Treasurer. The Deputy Treasurer shall take and file the official oath and bond as required by Sec. 60.31, Wis. Stats. The Town Board shall determine what compensation is to be paid to the Deputy Treasurer."

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Windsor on the 10th day of April, 2012.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Board Chairperson

Donald G. Madelung
Donald G. Madelung, Supervisor

Alan Buchner
Alan Buchner, Supervisor

Bruce R. Stravinski
Bruce R. Stravinski, Supervisor

Monica M. Smith
Monica M. Smith, Supervisor

ATTEST:

Tina A. Butteris
Tina A. Butteris
Finance Officer/Clerk-Treasurer